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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 MARIO JACOB SAPP,

13 Defendant.
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Case No. 2:17-cv-01238-KJD-VCF

ORDER

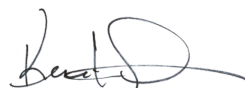
15 Mario Jacob Sapp, who was the defendant in United States v. Sapp, 2:15-cv-00221-KJD-
16 NJK, has filed a post-conviction petition for a writ of habeas corpus. He is challenging the validity
17 of his indictment, and, consequently, the validity of his sentence. The appropriate remedy for his
18 claims is through either appeal, which he currently is pursuing, or a motion pursuant to 28 U.S.C.
19 § 2255, filed in United States v. Sapp. The court will dismiss this action.

20 Reasonable jurists would not find the court's conclusion to be debatable or wrong, and the
21 court will not issue a certificate of appealability.

22 IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice. The
23 clerk of the court shall enter judgment accordingly and close this action.

24 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

25 DATED: May 5, 2017

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28 **KENT J. DAWSON**
United States District Judge